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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/418,647	10/15/1999	TREVOR K. BYLSMA	1400.4100202	9158	
25697 7	25697 7590 12/04/2003		EXAMINER		
ROSS D. SNYDER & ASSOCIATES, INC.			FOX, JA	FOX, JAMAL A	
115 WILD BA SUITE 107	SIN RD.		ART UNIT	PAPER NUMBER	
AUSTIN, TX 78746		2664	1		
			DATE MAILED: 12/04/200	3 <b>&gt;</b>	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Description   Descr								
## Examiner   Jamail A Fox   2884    ## Think DATE of this communication appears on the cover sheet with the correspondence address  ## Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## Examiner of time may be available under the provisions of 3°C FR 1.138(n). In no event, however, may a reply be timely filled    ## ## Period for reply is pecified above, the maximum stancory pared will apply and will expire SK (6) MONTH's from the mailing date of this communication.  ## ## ## Period for reply is pecified above, the maximum stancory pared will apply and will expire SK (6) MONTH's from the mailing date of this communication.  ## ## ## Period for reply is pecified above, the maximum stancory pared will apply and will expire SK (6) MONTH's from the mailing date of this communication.  ## ## ## Period for reply is pecified above, the maximum stancory pared will apply and will expire SK (6) MONTH's from the mailing date of this communication.  ## ## ## ## ## Period for reply is pecified above, the maximum stancory pared will apply and will expire SK (6) MONTH's from the mailing date of this communication.  ## ## ## ## ## ## ## ## ## ## ## ## ##		Application No.	Applicant(s)					
Jamal A Fox   284	·'	09/418,647	BYLSMA ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editables of them maybe evaluated used the provided used to the provided of the provided for reply specified above is less than fishty (20) days, a reply whitin the statidory infoliumum of thirty (20) days will be considered little).  If the period for reply specified above is less than fishty (20) days, a reply whitin the statidory infoliumum of thirty (20) days will be considered little).  If the period for reply specified above is less than fishty (20) days as reply within the statidory infoliumum of thirty (20) days will be considered little).  If the period for reply specified above is less than fishty (20) days and the considered little).  If the period for reply specified down is less than fishty (20) days will be considered little).  If the period for reply specified down is less than fishty (20) days will be considered little).  If the period for reply specified days will be station to be considered little).  If the period for reply specified days will be station to be considered little).  If the period for reply specified and the period of the per	Office Action Summary	Examiner	Art Unit					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edutations of time maybe available used the provision of 3 CFR 1.13(d), in no event, however, may a reply be timely filed  Edutations of time maybe available used the provision of 3 CFR 1.13(d), in no event, however, may a reply be timely filed  If the period for reply specified above is less than filty (20) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is less than filty (20) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above is less than filty (20) days, a reply within the statutory minimum of the mailing date of his communication.  Filt operiod for reply specified above is less than filty (20) days, a reply within the statutory minimum of the communication.  Filt operiod for reply specified above is less than filty (20) days, a reply within the statutory minimum of the communication.  Filt operiod for reply specified on the mailing date of his communication, even if timely filed, may reduce any search plants are supported to the communication.  Status  1) Responsive to communication(s) filed on 08 September 2003.  2a) This action is FiNAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-21 is/are pending in the application.  4) Of the above claim(s) is is/are withfrawn from consideration.  5) Claim(s) 1-1, 14, 20 and 21 is/are allowed.  Claim(s) 1-1, 14, 20 and 21 is/are allowed.  Claim(s) 1-1, 14, 15, 14, 20 and 21 is/are allowed.  Claim(s) 1-1, 14, 15, 14, 14, 14, 14, 14, 14, 14, 14, 14, 14		appears on the cover sheet with t	the correspondence address					
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Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No,  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) ☑ Notice of References Cited (PTO-992)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	7) Claim(s) 2,3,5,11,12,16 and 17 is/are object	·						
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#### **DETAILED ACTION**

# Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 2. Claims 1, 6, 9, 10 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,389,464 to Krishnamurthy et al.

Referring to claim 1, Krishnamurthy et al. discloses a method for management of a network (col. 3 lines 62-67), comprising: receiving a new set of indicators corresponding to a node in the network (col. 4 lines 44-53, see the MIB files), wherein the new set of indicators includes functional characteristics (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system) of the node; wherein each indicator of the new set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); storing the new set of indicators in a database (col. 4 lines 44-50), wherein the database includes sets of indicators corresponding to at least one additional node in the network (devices, col. 4 lines 27-32); and utilizing the database including the new set of indicators to perform

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network management functions (col. 4 lines 44-53, see devices to be managed from the site server).

Referring to claim 6, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein the set of indicators further includes physical characteristics of the node (Fig. 6, ip\_address; Figures 8, 10-14, cornet 16 channel a/b serial switch; Fig. 17, null Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 9, Krishnamurthy et al. discloses the method of claim 1, wherein the network is a communications network that includes one or more of Time Division Multiplexing, Frame Relay (Ethernet, col. 5 lines 55-59, col. 6 lines 26-30, col. 6 line 45, col. 7 lines 25-30, col. 7 lines 35-38 and col. 11 lines 5-10), asynchronous transfer mode, and wireless network formats (col. 4 lines 1-6).

Referring to claim 10, Krishnamurthy et al. discloses a method for communicating a set of characteristics of a node in a communication network, comprising: determining functional characteristics for the node (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system); generating a set of indicators corresponding to the functional characteristics (col. 4, lines 43-53, here it is understood that the site server generates the indicators), wherein each indicator of the set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); and combining the set of indicators with physical

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characteristic information of the node to produce the set of characteristics for the node (Fig. 6, ip\_address; Figures 8, 10-14, cornet 16 channel a/b serial switch; Fig. 17, null Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 15, Krishnamurthy et al. discloses a network management processor (Fig. 3, reference sign 12), comprising: a processing module (Fig. 3, reference sign 12); and memory (Fig. 3, reference sign 68) operable coupled to the processing module, wherein the memory includes operating instructions that cause the processing module to: store a received new set of indicators in a database (col. 4 lines 44-50), wherein the new set of indicators corresponds to a node in a network, wherein the database includes indicators corresponding to at least one additional node in the network (devices, col. 4 lines 27-32), wherein the new set of indicators includes functional characteristics of the node (attributes of the device, col. 4 lines 44-53, here it is understood that the MIB files includes functional characteristics because a MIB is a SNMP compatible data structure that defines the functional groups and management objects of a unit or system); wherein each indicator of the new set of indicators corresponds to a particular functional characteristic (Web pages contain particular functional characteristics, Figures 4-29); and perform network management functions based on the database including the new set of indicators (col. 4 lines 44-53, see devices to be managed from the site server).

#### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4, 7, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al. in view of Rose et al.

Referring to claim 4, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in (pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds because MIBs are hierarchical data structures.

Referring to claim 7, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein performing network management functions further comprises determining routing paths in the network. Rose et al. discloses routing tables defined by MIBs on (page 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein performing network management functions further comprises determining routing paths in the network because routing table entries are defined in MIBs.

Referring to claim 18, Krishnamurthy et al. discloses the network management processor of claim 15, but does not explicitly teach wherein each set of indicators

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includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in (pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds because MIBs are hierarchical data structures.

Referring to claim 19, Krishnamurthy et al. discloses the network management processor of claim 15, but does not explicitly teach wherein performing network management functions further comprises determining routing paths in the network.

Rose et al. discloses routing tables defined by MIBs on (page 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein performing network management functions further comprises determining routing paths in the network because routing table entries are defined in MIBs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al.

Referring to claim 8, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein performing network management functions further comprises configuring path endpoints in the network. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have included configuring path endpoints in the network because the configuration of system-wide parameters is disclosed in (col. 10 lines 48-58).

### Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 6. Claim 9 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for TDM, Frame Relay, ATM and a number of wireless formats, does not reasonably provide enablement for a communications network that includes one or more of Time Division Multiplexing, Frame Relay, asynchronous transfer mode, and wireless network formats. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification does not provide enablement for TDM and wireless network formats, Frame Relay and wireless network formats, and ATM and wireless network formats.

# Allowable Subject Matter

- 7. Claims 13, 14, 20 and 21 are allowed.
- 8. Claims 2, 3, 5, 11, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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# Response to Arguments

9. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-
- 5741. The examiner can normally be reached on Monday-Friday 6:30 AM 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

Jamal A. Fox

WELLINGTON CHIN SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600